

JULY 13, 2004

**CITY OF GUNNISON COUNCIL
REGULAR SESSION MINUTES**

7:00 P.M.

Following a Work Session meeting, the Regular Session was called to order at 7:00 P.M., by Mayor Ferguson with Councilmembers Simillion, Smits and Duba present along with City Attorney Landwehr, City Manager Collins, City Clerk Davidson, Police Chief Keehne, Finance Director Hanson, Public Works Director Coleman, Community Development Director Westbay, Planning Technician Antonucci, City Auditor Dean Johnson, interested citizens and the press. Councilmember Stone and WSC Intern Johnston were absent.

Consideration of Minutes:

Regular Session Minutes of June 22, 2004.

City Clerk Davidson informed Council she had made a correction to the minutes that Council had received in their packets. She corrected the Consideration of Minutes motion to read "...seconded the motion to approve the Regular Session Minutes of June 8, 2004, as submitted".

Councilmember Simillion moved and Councilmember Duba seconded the motion to approve the Regular Session Minutes of June 22, 2004, as corrected.

Community Development Director Westbay asked City Council if the minutes were accurate pertaining to the motion referring the request for a moratorium from Gunnison Main Street to the Planning Commission. Council replied the minutes were accurate in that reference.

Roll call vote, yes: Simillion, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

Pre-Scheduled Citizens:

Dean Johnson – Presentation of 2003 City Audit. Dean Johnson of Johnson, Holscher & Company, P.C., came forward and addressed Council. Mr. Johnson stated he received great cooperation from Finance Director Wendy Hanson, her staff and from City Manager Collins. The records are well documented and the City has control systems in place. Mr. Johnson reviewed the General Fund revenues and expenses and then reviewed the various Enterprise Funds. He then reviewed the Management Letter from the Auditors. No significant audit adjustments had to be made and the City is in good position for the new accounting requirements that go into effect next year.

City Manager Collins reminded Council the deficit in the Electric Fund is due to the repair on the large substation transformer.

Councilmember Smits asked if the City still had the approximate seven month operating reserve in the General Fund? Mr. Johnson stated yes, the City is slightly more favorable than that. Councilmember Smits then asked if the auditors were still comfortable with the Community Center expense of \$1.25 million. Again, Mr. Johnson stated yes. Council thanked Mr. Johnson for his report and City Manager Collins commended Finance Director Hanson and her staff for all of their work with the auditors.

Wanda Brinks & Citizens Taskforce for Responsible Game Management. Local outfitter Wanda Brinks came forward. Ms. Brinks stated she is a member the Citizens Taskforce for Responsible Game Management. Ms. Brinks relayed to Council information outlining the reasons she and the Taskforce are in opposition to the Wildlife Commissions' recommendation to create "all-draw" hunting units in the Gunnison Basin. Ms. Brinks stated the proposal is not based on accurate biology and the proposal is being driven by trophy hunters. Ms. Brinks was joined by local business owner Randy Clark. Mr. Clark addressed the economic aspects of the proposal stating the proposed all-draw units will have a negative economic impact on the Gunnison economy. Since the draw has been in place, there has been a steady decrease in the number of hunters in the Gunnison valley. He has seen a steady decrease in the amount of money generated from sales of over the counter hunting licenses. Mr. Clark thanked Council for listening to their concerns.

Ms. Brinks stated there was a draft letter opposing the draw-only proposal in Councils' packets.

Councilmember Smits stated that local businesses have a chance to comment to the Wildlife Commission about their economic concerns. Mr. Clark stated the next meetings will be held in early September in Durango. Councilmember Duba thanked Ms. Brinks and Mr. Clark and stated he thinks Council can only look at the issue from an economic standpoint. He isn't in favor of convening a forum to get further public input because the public can give input directly to the Wildlife Commission. Council thanked Ms. Brinks and Mr. Clark.

Main Street Director Bruce Hyde – Request for Funds for July 26th Big Box Retail Community Forum. Main Street Director Bruce Hyde and Main Street Board Member Jon Schumacher came forward and addressed Council. Mr. Hyde explained Main Street is asking for funding for the Community Forum on Big Box or Super Retailers. The forum will be held on Monday, July 26 at 7:00 P.M. at the County multi-purpose building. Main Street has submitted a grant application to the USDA. There are seven panelists scheduled to appear. The seventh panelist is Professor Kenneth Stone from the University of Iowa, who is affiliated with the National Main Street Center. The Colorado State Main Street Program is funding Professor Stone's participation. There will be half-page ads in the local papers and in the Crested Butte paper. Press releases will be coming out tomorrow. Main Street is asking for funding in the amount of \$1,625 from the City. Discussion ensued on the City's funding. Council asked about other entities, i.e. GVEDC, Gunnison County, Gunnison Chamber, League of Women Voters, etc., funding levels. Mr. Hyde responded he has an appointment with County Manager DeVore tomorrow. Mr. Schumacher stated the budget presented is more than originally anticipated, however, the committee didn't think of all of the costs in the initial estimates. Region 10 is willing to facilitate the forum but they have indicated they don't have any funding available.

Gunnison citizen Joy Hart came forward and addressed Council. Ms. Hart stated she was all for a public forum to get correct information out but doesn't feel it's the City's job to fund a forum. Funding would make the City appear not objective. Council thanked Ms. Hart for her comments.

Council conceded it is in the best interest of the City to have a fair and balanced informational forum and the City would like to see other entities on board. Councilmember Smits asked where the City funds would come from. City Manager Collins and Finance Director Hanson indicated the funds would come out of the additional grants and contributions line item through a Contract for Service with Main Street and there is approximately \$3,400 left in that fund at this time.

Councilmember Smits moved and Councilmember Duba seconded the motion to authorize a Contract for Services be drawn up with Gunnison Main Street to present a balanced community forum with City funding, to match up to but not to exceed \$1,625.00, and with the funds to be taken out of the additional grants and contributions line item.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion. So carried.
Roll call vote, no: None.

Dr. John Tarr with Gunnison Car Club – Request for Funds for Insurance Premium for Gunnison Car Show. Gunnison Car Show Committee members Jim McDermott and Kenny Tucker came forward and addressed Council. Mr. McDermott informed Council the annual Gunnison Car Show brings a lot of people into town that stay in motels, eat in the restaurants and shop in the stores. The Car Club is requesting the City include this year's car show under the City's CIRSA insurance policy and for the City to pay the \$250.00 premium for the coverage. Crested Butte is covering the Car Show's Sunday activity in Crested Butte under their Town insurance policy.

Councilmember Smits asked what the already City-contributed \$500 is used for. Mr. McDermott explained that money is used for out of town advertising to get non-local people to come to town and attend the Car Show. Mayor Ferguson asked how many entries the show hosted last year. Mr. McDermott stated approximately 325, of those, approximately three-

quarters were from out of town. Mayor Ferguson stated this is a success story for community events and feels the support is warranted because of the amount of sales tax generated.

Councilmember Smits moved and Councilmember Simillion seconded the motion to approve the City's coverage of this year's Car Show under the City's insurance policy, for the City to pay the \$250 premium for the event and this approval is contingent upon the approval of CIRSA and after review by the City Attorney.

Roll call vote, yes: Smits, Duba, Simillion, Ferguson. So carried.
Roll call vote, no: None.

Unfinished Business: None.

New Business:

Removal of Wildwood Townhomes Community from City Sewer Service Area. This item was discussed at the Work Session prior to the Regular Session meeting.

City Attorney Landwehr informed Council that no action on their part would be an indication that they agreed with the inclusion of the Wildwood Townhomes into the West Gunnison Sanitation District. Mayor Ferguson asked if it would be a problem if they made a motion to not to oppose the petition for inclusion. The City Attorney stated no.

Councilmember Duba moved and Councilmember Simillion seconded the motion to not oppose the petition for the Wildwood Townhomes to be included in the West Gunnison Sanitation District.

Roll call vote, yes: Duba, Simillion, Ferguson, Smits. So carried.
Roll call vote, no: None.

Request from Kai Allen, Re: Serving as City Representative to Gunnison Land Preservation Board.

City Clerk Davidson stated there is a letter in Council packets from Mr. Kai Allen. Mr. Allen is one of the current City representatives to the Gunnison County Land Preservation Board. He has moved to the Crested Butte area and would like to continue as the City's representative. Council discussion ensued. Council consensus was to advertise for the position and if City residents were interested in serving, then they would be given preference over Mr. Allen. Council was satisfied with Mr. Allen's representation but felt that priority should be given to a City resident. City Clerk Davidson also mentioned the upcoming resignation of a present Planning & Zoning Commission member. Council directed the City Clerk to advertise the vacancy on the Planning and Zoning Commission at the same time as the Land Preservation Board representative. This will save the citizens money.

Award Contract for Update of City Master Plan and Authorize Mayor's Signature. Community Development Director Westbay came forward and informed Council that the Master Plan consultant interview committee held interviews on June 29th, and they and staff are recommending the contract for the Master Plan Update and Land Development Code review be awarded to Four-Corners Planning, Inc. There is \$75,000 budgeted in the 2004 City budget and it is anticipated the FY2005 City budget will allocate \$55,000 for the completion of the project.

Councilmember Smits moved and Councilmember Duba seconded the motion to accept the Interview Committee's and Staff's recommendations and award the contract for the Master Plan Update and Land Development Code review to Four-Corners Planning, Inc. and to authorize the Mayor to sign said contract.

Roll call vote, yes: Simillion, Ferguson, Smits, Duba. So carried.
Roll call vote, no: None.

Councilmember Smits thanked the members of the Interview Committee and Staff for their work in selecting this firm.

Set Special Session for July 20, 2004, for Action on Request from Free Ride Association for Use of Land at Harman Rocks Base Area in Joint Meeting with Gunnison County Commissioners. Parks and Recreation Director Ampietro came forward and informed Council that the Hartman Rocks' Planning Committee had received a request from the Free Ride Association to construct a bump or dirt jump course at the base area of Hartman Rocks. The County has sent out letters from the City and County inviting the local homeowners to a tour/joint work session at the base area at 6:15 P.M. on July 20, 2004. City Council and the County Commissioners can then reconvene back at City Hall at 7:00 P.M. to take possible action on this request. Since next Tuesday is a scheduled Work Session, any action would have to take place during a Special Session and that requires a motion from Council. Councilmember Smits indicated he will be out of town next Tuesday.

Councilmember Duba moved and Councilmember Simillion seconded the motion to set a Special Session meeting of Council for 7:00 P.M. on Tuesday, July 20, 2004, with the agenda item to be: "Possible Action on Request from Free Ride Association for Use of Land at Harman Rocks Base Area", and authorize the City Clerk to post notice of the Work Session meeting at Hartman Rocks.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion. So carried.
Roll call vote, no: None.

Authorize Mayor's Signature on Future Community Center Grant Applications. City Manager Collins and Parks & Rec Director Ampietro stated this request is to authorize the Mayor's signature on the El Pomar Foundation grant application for funds for the Community Center and to authorize his signature on all future Community Center grant applications. Each individual grant application will not have to come before Council with this prior authorization.

Councilmember Smits moved and Councilmember Simillion seconded the motion to authorize the Mayor's signature on the El Pomar Foundation grant application and all future Community Center grant applications.

Councilmember Duba disclosed that he is an employee of Outward Bound and that the El Pomar Foundation has a contractee association with that organization. He feels it is not a factor in this vote but wanted to disclose the information.

Roll call vote, yes: Smits, Duba, Simillion, Ferguson. So carried.
Roll call vote, no: None.

Ordinance and Resolutions:

Ordinance No. 4, Series 2004, Re: Vacation of a Portion of an East-West Alley in Block 32, West Gunnison Amended; 1st Reading.

Councilmember Simillion introduced Ordinance No. 4, Series 2004, and it was read by title only by the City Attorney.

Councilmember Duba moved and Councilmember Simillion seconded the motion that Ordinance No. 4, Series 2004, **AN ORDINANCE VACATING THAT PORTION OF THE EAST-WEST ALLEY LYING ADJACENT TO LOTS 1 THROUGH 5, BLOCK 32, ACCORDING TO THE OFFICIAL AMENDED PLAT OF TOWN OF WEST GUNNISON, AND A FIVE-FOOT STRIP OF VACATED 7TH STREET ON THE NORTH, AND LOT 6, BLOCK 32, ACCORDING TO THE OFFICIAL AMENDED PLAT OF TOWN OF WEST GUNNISON, AND A FIVE-FOOT STRIP OF VACATED 7TH STREET ON THE SOUTH, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO; AND RESERVING A UTILITY EASEMENT THEREIN,** be introduced, read, passed and ordered published on first reading this 13th day of July, 2004.

Roll call vote, yes: Duba, Simillion, Ferguson, Smits. So carried.
Roll call vote, no: None.

City Attorney: Informed Council of some upcoming litigation where a property owner adjacent to Clark Boulevard has requested the Courts to decide who has the authority to perform maintenance on Clark Boulevard. Mike Wilson, owner of Terra Apartments located on Clark Boulevard, has filed a Rule 105 action. The road is used by the City to access the North Main Substation. In the past we have done the routine maintenance ourselves or have contracted the work. The City has been named a party in the suit but is under no financial obligation. The case filed has also asked for an injunction from others preventing said maintenance once it has been determined who had authority to perform the maintenance.

City Manager: Mark Collins: 1. Reported the Mayors/Managers July meeting will be on Monday, July 19 at CBMR. 2. Manager Collins informed Council that Parks & Recreation Director Ampietro will be issuing a Community Center update this week. It will be published in the local papers. 3. The City Manager met with the County Manager this week. The airport runway project is on schedule with the re-opening scheduled for next Monday. The Air Show is still scheduled for July 31.

Acting City Manager: Jim Keehne. Chief Keehne informed Council the Department of Justice Homeland Security Grant is being utilized to purchase an incident command vehicle. Funds for two years' grants will be used to purchase and outfit the vehicle. It is a multi-jurisdictional vehicle. Delivery will take place in late 2004. 2. Informational Technologies, Inc. will be here on Thursday to demonstrate several of their new products. 3. He will be attending a W-Mountain users group meeting on Thursday. Lastly, he will give his departmental report at the next Regular Session. Mayor Ferguson asked the Chief about the cleanup of the meth lab. Chief Keehne reported the cleanup is on-going and is very expensive. The City is working with the property owners and the Department of Health to determine the cleanup standards. The process is assessment, cleanup and then re-assessment. Councilmember Duba asked about financial obligations of the City. Chief Keehne stated they are minimal at this time.

City Clerk: City Clerk Davidson. Nothing to report.

WSC Intern: Matt Johnston. Was absent.

Non-Scheduled Citizens: None.

General Discussion/Items for Work Session:

Mayor Ferguson and Councilmember Simillion: Nothing to report.

Councilmember Smits: Reported the Planning and Zoning Commission will be discussing the proposed moratorium on big box development at tomorrow evening's meeting. Councilmember Smits asked the City Attorney if it was a conflict of interest for Commissioner Fornasiero to be on the committee requesting the moratorium and then sit and make a recommendation to Council on the issue. City Attorney Landwehr stated nothing per State Statute precludes Mr. Fornasiero for acting on the moratorium as a member of the Main Street Group. Attorney Landwehr stated he had informed Mr. Fornasiero he is available for discussion on this topic but Mr. Fornasiero has not contacted him at this time.

Councilmember Smits then informed Council he will be out of the City on vacation from July 18, through August 2. He will miss the next Work and Regular Sessions.

Councilmember Duba: Asked if the upcoming Air Show is the same as in the past. City Manager Collins responded that it is very similar.

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Councilmember Duba then made a motion and Councilmember Simillion seconded the motion to excuse Councilmember Stone from this evening's meeting due to unforeseen circumstances.

Roll call vote, yes: Simillion, Ferguson, Smits, Duba. So carried.
Roll call vote, no: None.

Adjournment: The meeting adjourned at 8:53 P.M.

Mayor

City Clerk